

C.I.A. CASE FIGURE INVITES ARREST

Estonian, Depicted as Spy,
Remains Free in Capital

By BEN A. FRANKLIN

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WASHINGTON, April 27—Eerik Heine, the Estonian émigré now living in Canada whom the Central Intelligence Agency has formally labeled "a dispatched Soviet intelligence operative, a K.G.B. agent," arrived here today from Toronto. He was not arrested.

Both the C.I.A., and the Federal Bureau of Investigation, which is charged by law with

protecting the internal security of the United States, declined to respond to a newsman's question: "If Mr. Heine is a Soviet agent, why do you not arrest him?"

Mr. Heine said he would "welcome an arrest" because "the trial would show I am innocent."

He flew to the United States to prepare for an appearance in the Federal District Court in Baltimore tomorrow morning in his \$110,000 slander suit against Juri Raus, another Estonian émigré.

Mr. Raus, a 39-year-old Federal highway engineer in Washington who was formerly head of the Legion of Estonian Liberation, an Estonian war veterans group, has been identified in affidavits filed by the intelligence agency as one of its agents.

Lawyers engaged by the

agency to defend Mr. Raus in the slander suit have introduced in court sworn statements by Richard Helms, deputy director of the agency. These statements contend that Mr. Raus's public attacks on Mr. Heine were "absolutely privileged" and immune from suit because Mr. Raus was acting on official C.I.A. orders in discrediting Mr. Heine as a "Soviet agent."

Accordingly, Mr. Raus's lawyers have moved to dismiss the suit without a trial. The outcome of a trial would hinge on the agency's ability to prove the truth of its charges. For "security reasons," the agency says it cannot do so.

Mr. Heine, 46 years old, said he had been cleared without question by United States customs and immigration authorities in Toronto this morning.

"I really hoped they would

arrest me," he said on arriving here. "Then at least I would have my day in court."

Chief Judge Roszel C. Thomson has strongly indicated that he will dismiss Mr. Heine's suit on the basis of Mr. Raus's and the agency's pleadings of immunity and secrecy under Federal statutes prohibiting any disclosures by the agency or its employees. Mr. Heine has said he would appeal.

Mr. Raus's lawyers have been unwilling to say publicly whether they are paid by Mr. Raus or the intelligence agency but have acknowledged receiving instructions from the agency.

In a memorandum filed today in the court in Baltimore, Ernest C. Raskauskas and Robert J. Stanford, Mr. Heine's lawyers, charged that the C.I.A., through Mr. Raus, had "slandered a hero of the Esto-

nian community" in the United States and Canada and was now refusing to submit to a court test because of "an intrinsic and inordinate worship of secrecy."

"These slanders are part of a deliberate and calculated design to destroy without proof, and no agency has ever been given such powers by statute in the history of the United States, unless it is ruled here that the C.I.A. has," the memorandum declared.